

## **REMARKS**

Claims 1-4 are pending in the application. By this paper, claims 1-4 have been amended. Reconsideration and allowance of claims 1-4 are respectfully requested.

### **Ex parte Quayle Action**

The Office Action mailed August 17, 2009 is considered an action under *Ex parte Quayle* according to the entry for the case on the US Patent and Trademark Office's Patent Application and Information Retrieval (PAIR) database. Accordingly, the application is in condition for allowance except for formal matters, and prosecution on the merits is closed.

### **Claim amendments**

According to the Office Action, claims 1-4 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The Examiner has helpfully suggested that "The claims should be rewritten such as the code 'when executed on the medium...' to make them statutory."

Applicants thank the Examiner for this helpful suggestion. Accordingly, claims 1-4 have been amended to better define patentable subject matter. The claims have been amended to clarify that the recited computer readable medium includes various computer readable program code which is configured for execution from the computer readable medium on a computer. No new matter is added by this amendment, which finds support throughout the application including, for example, paragraphs [0010] and [0017] and FIGs. 1 and 2.

Claim 4 has also been amended, solely to improve the readability of this claim.

Accordingly, withdrawal of the rejection of the claims under 35 U.S.C. § 101 is respectfully requested. Since no rejections based on prior art have been made, it is submitted that claims 1-4 are allowable.

Application no. 10/804,376  
Amendment dated: February 15, 2010  
Reply to office action dated: August 17, 2009

With this response, the application is believed to be in condition for allowance. Should the examiner deem a telephone conference to be of assistance in advancing the application to allowance, the examiner is invited to call the undersigned attorney at the telephone number below.

Respectfully submitted,

/John G. Rauch/  
John G. Rauch  
Registration No. 37,218  
Attorney for Applicants

February 15, 2010  
BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200